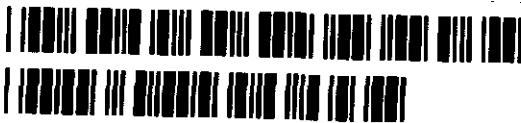


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01 MAR 13 2009

02 AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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03 09-CV-00115-ORD

04 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 BRIAN K. JOHNSON,) CASE NO.: C09-0115-JLR

06 Plaintiff,)

07 v.) ORDER DENYING APPLICATION

08 WA STATE SUPREME COURT, et al.,) TO PROCEED IN FORMA PAUPERIS

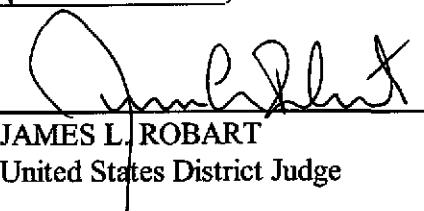
09 Defendants.) AND DISMISSING § 1983 ACTION

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The Court, having reviewed plaintiff's application to proceed *in forma pauperis* (IFP) and proposed complaint, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's application to proceed IFP is DENIED and this action is DISMISSED without prejudice as to Defendant Vail, and with prejudice as to the other defendants, and,
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

DATED this 13th day of March, 2009.


JAMES L. ROBART
United States District Judge

ORDER DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DISMISSING
§ 1983 ACTION
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